

Appl. No. 10/071,938
Amdt. dated Aug. 19, 2005
Reply to Office Action of Apr. 19, 2005

Amendments to the Drawings:

The attached sheet of drawings includes changes to FIG. 1. This sheet, which only includes FIG. 1, replaces the original sheet including FIG. 1. In FIG. 1, the term "PRIOR ART" has been deleted.

Attachment: Replacement Sheet
 Annotated Sheet Showing Changes

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REMARKS/ARGUMENTS

1. The Examiner issued restriction and election of species requirements asserting that claims 17-41 recite three unrelated inventions and, with respect to the invention recited in claims 26-41, six patentably distinct species. Responsive to Applicants' provisional elections of the invention recited in claims 26-41 and the species recited in claims 26-34, 40, and 41, the Examiner rejected claims 26-34, 40, and 41 under 35 U.S.C. § 102(e) as being anticipated by Lehtiniemi et al. (U.S. Patent No. 6,466,299). Reconsideration of this application is respectfully requested in view of the amendments and/or remarks provided herein.

Restriction Requirement and Election of Species

2. The Examiner issued a restriction requirement requiring Applicants to select from one of three inventions allegedly recited in the claims of the present application. The Examiner asserts that the following groupings of claims recite three distinct inventions:

- Group I: Claims 26-41, drawn to a housing having a substance that changes appearance, classified in class 379, subclass 433.01;
- Group II: Claims 17-24, drawn to a housing having layers containing a fluid, classified in class 455, subclass 90.3; and
- Group III: Claim 25, drawn to a housing having layers containing fiber optics, classified in class 359, subclass 516.

The Examiner has also required Applicants to elect one of six species of the invention allegedly recited in the claims of Group I based on Applicants' provisional election to prosecute the invention recited in Group I. The Examiner noted that claims 26, 29, 32, 34, and 40 are generic.

The Examiner asserts that the six species are as follows:

- Species I: claims 27, 28, 30, 31, 33, and 41, drawn to a substance;
- Species II: claim 35, drawn to a switch;
- Species III: claim 36, drawn to software;
- Species IV: claim 37, drawn to a processor;
- Species V: claim 38, drawn to a computer; and

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Species VI: claim 39, drawn to components for receiving a message.

Responsive to the restriction and election of species requirements, Applicants hereby affirm their provisional election to prosecute Species I (claims 27, 28, 30, 31, 33, and 41) of the invention recited in Group II (i.e., claims 26-41) for examination, without traverse; provided however, Applicants reserve their right to timely file divisional applications directed to the subject matter recited in Groups II and III (i.e., claims 17-25) and, upon allowance of a generic claim, Applicants further reserve their right to receive consideration of claims to additional species (e.g., claims 35-39 directed to Species II-VI) which are written in dependent form or otherwise include all the limitations of the allowed generic claim as provided by 37 C.F.R. § 1.141.

Rejections under 35 U.S.C. § 102(e)

3. Claims 26-34, 40, and 41 were rejected under 35 U.S.C. § 102(e) as being anticipated by Lehtiniemi et al. ("Lehtiniemi"). Applicants have herein amended independent claims 26, 29, 32, 34, and 40 to more clearly distinguish the recitations of said claims from the disclosure and suggestions of Lehtiniemi. In particular, Applicants have included the limitation that the outer surface of the housing, or a portion thereof (e.g., one or more shape elements included therewith or attached thereto), includes a sensory producing substance that produces at least one *non-visual* sensation responsive to at least one stimulus. Applicants submit that none of the references of record discloses or suggests such a limitation.

Lehtiniemi discloses a portable electronic device housing coated or mixed to include thermochromic liquid crystals (TLCs) that change color responsive to changes in temperature. The changes in temperature may be due to changes in ambient temperature of the environmental surroundings of the portable electronic device or may be due to the internal heating of the electronic components of the portable electronic device. *See* Abstract, col. 1, lines 58-67. Thus, Lehtiniemi discloses only that a portable electronic device housing, or some portion thereof, changes color (i.e., makes a *visual* change) responsive to changes in temperature. Lehtiniemi fails to disclose or suggest any *non-visual* or *other sensory* changes to the device housing, or production of any *non-visual* or *other sensations*, responsive to temperature changes or any other

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stimulus. Further, Lehtiniemi fails to disclose or suggest any color or other visual changes to the device housing, or production of any sensations, responsive to any non-thermal stimulus.

Applicants have further considered Laurikka et al. (U.S. Patent No. 6,608,996) and Berry (U.S. Patent No. 5,223,958), both already of record, and submit that both references, like Lehtiniemi, fail to disclose or suggest any *non-visual* or *other sensory* changes to the device housing, or production of any *non-visual* or *other sensations*, responsive to temperature changes or any other stimulus. Rather, Laurikka et al. ("Laurikka") discloses only that the electronic device housing, or portion(s) thereof, changes color (i.e., a *visual* change) in response to a variety of stimuli, including the type of message that has been received by the device. Berry discloses only that a hidden message appears (i.e., a *visual* change) in response to a thermal stimulus.

By contrast, Applicants' independent claims, as amended, recite housings that include a sensory producing substance that produces at least one *non-visual* sensation responsive to one or more stimuli. As recited in some of the dependent claims, the non-visual sensation produced by the sensory producing substance may be a haptic sensation (i.e., relating to one's sense of touch), such as a thermal sensation, a texture sensation, a pressure sensation, and/or a vibratory sensation. Neither Lehtiniemi nor Laurikka, Berry or any of the other references of record disclose or suggest any housing containing a substance that produces a *non-visual* sensation responsive to a stimulus.

The Examiner asserts that Lehtiniemi discloses that the housing's sensory producing substance is one or more of a thermal producing substance, a vibration producing substance and a haptic producing substance. In support of his position, the Examiner directs Applicants' attention to column 1, lines 58-67 of Lehtiniemi. Applicants submit that neither the cited portion of Lehtiniemi nor any other portion of Lehtiniemi discloses or even remotely suggests any change to the cover or production of any sensation other than a visual sensation related to a change of color. As is clear from a careful reading of Lehtiniemi, including the disclosure at column 1, lines 58-67, Lehtiniemi discloses a housing substance that changes color responsive to changes in temperature. Lehtiniemi does not disclose or suggest a housing that produces any other type of sensation. Regarding original claim 27, for example, the Examiner may have misconstrued Applicants' claim to recite a substance that is merely thermally *responsive*. Such

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is not the case, however. Rather, Applicants' original claim 27 (now bifurcated into claims 27 and 42) recites a thermal *producing* substance (i.e., a substance that actually changes temperature), not simply a thermally *responsive* substance (although Applicants' thermally producing substance may also be thermally responsive (e.g., get warmer as the ambient temperature gets colder)). Neither Lehtiniemi nor any of the cited references of record disclose or even remotely suggest the use of any substance that produces any haptic (i.e., touch related) sensation responsive to any form of stimulus. Rather, all of the references of record disclose substances that produce specific visual sensations responsive to thermal and other specific stimuli.

Therefore, based on the foregoing, Applicants submit that independent claims 26, 29, 32, 34, and 40 are not anticipated by Lehtiniemi and respectfully request that the rejections of claims 26, 29, 32, 34, and 40 be withdrawn and said claims be passed to allowance.

Claims 27, 28, 30, 31, 33, and 41 are dependent upon claims 26, 29, 32, and 40, which claims have been shown allowable above. Therefore, since claims 27, 28, 30, 31, 33, and 41 each introduce additional subject matter that, when considered in the context of the recitations of their respective base claims, constitutes patentable subject matter, Applicants respectfully submit that the recitations of claims 27, 28, 30, 31, 33, and 41 are not disclosed or suggested by Lehtiniemi. Further, with respect to claims 27 and 30, neither Lehtiniemi nor any of the other references of record disclose a housing that includes a haptic producing substance. Still further, with respect to claims 28 and 31, none of the references of record disclose a housing that includes a substance that produces at least one of a heat sensation, a pressure sensation, and a texture sensation. Further yet, with respect to claims 33 and 41, none of the references of record disclose a housing that includes a substance that produces a *non-visual* sensation responsive to an acoustic stimulus, a thermal stimulus, an electrical stimulus, an electromagnetic stimulus, an olfactory stimulus, a mechanical stimulus, a light from a keypad, a light from a display, a vibration from an alerting mechanism, or an audible alert from a speaker. Instead, all the references of record simply disclose housings that only include *visual* producing substances. Therefore, Applicants respectfully submit that claims 27, 28, 30, 31, 33, and 41 are in proper condition for allowance.

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Amendments to the Specification

4. Applicants have herein amended paragraphs 0005, 0006, 0008, 0009, 0012, 0015-0021, 0023, 0024, 0026, 0028-0037, 0039-0043, 0045, and 0046 of the specification to correct minor informalities contained therein. Applicants submit that no new matter has been added by such amendments.

Other Amendments to the Claims

5. Applicants have herein amended some of the claims to correct minor informalities therein and to broaden the claims in certain respects. None of these amendments were intended to narrow the claims in any manner or were made for any purpose related to patentability. Applicants submit that all such claim amendments are fully supported by Applicants' originally filed specification.

Amendments to the Drawings

6. Applicants have amended FIG. 1 of the drawings to remove an inadvertent inclusion of the term "PRIOR ART." Applicants submit that all such drawing amendments are fully supported by Applicants' originally filed specification and, therefore, do not introduce any new matter into the specification.

New Claims

7. Applicants have herein added new claims 42-50 directed to additional features of the elected invention. Applicants submit that such claims are fully supported by Applicants' originally filed specification, are patentably distinct from the prior art of record, and are all readable on elected Species I. Accordingly, Applicants request that the Examiner pass new claims 42-50 to allowance. With the addition of claims 42-50 and withdrawal of claims 35-39, twenty claims remain pending in the present application, five of which are independent. Applicants had previously paid for examination of twenty claims, five of which could be independent. Therefore, Applicants have not added any "extra" claims by virtue of the addition of claims 42-50. As a result, Applicants submit that no additional fees are due for the

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examination of new claims 42-50. If Applicants are in error in their understanding, please charge any additional filing fees to the undersigned's Deposit Account No. 50-1111.

8. The Examiner is invited to contact the undersigned by telephone, facsimile or email if the Examiner believes that such a communication would advance the prosecution of the instant application. Please charge any necessary fees associated herewith, including extension of time fees (if applicable and not paid by separate check), to the undersigned's Deposit Account No. 50-1111.

Respectfully submitted,

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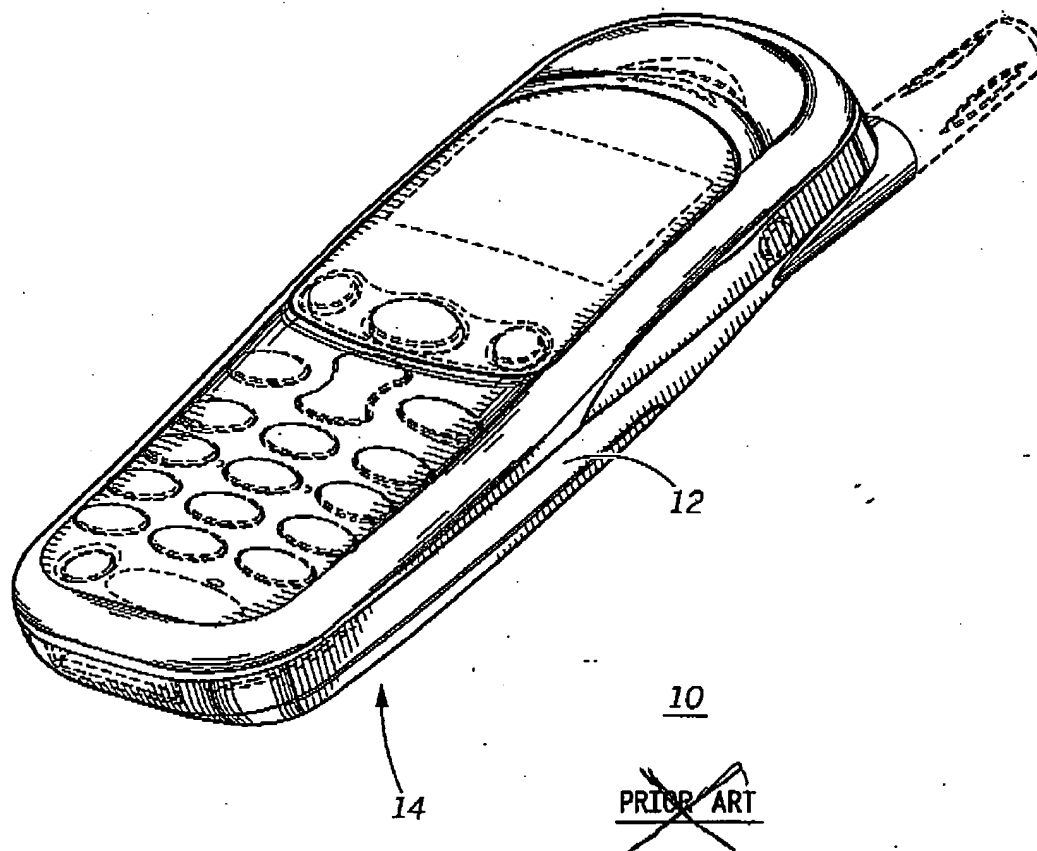


FIG. 1

REVISOR
DATE: 08/19/2005